

REMARKS

Applicants have carefully studied the decision on appeal which was mailed on September 29, 2005, where new grounds for rejection were provided. Applicants further note that the board agrees with Appellants that the specification defines a thickener as a possible constituent of the base composition, not a performance agent or (in Rath's terms) an enhancing additive. (See DECISION ON APPEAL, page 8, lines 1-3.) Applicants further note that the board observed that notwithstanding this limitation, Rath meets all the limitations of instant claim 1. In response, Applicants have amended independent claim 1 and dependent claim 19 to further distinguish the instant invention from Rath. The claim as now amended makes clear that the variants of a first class, second class or a third class may not contain a thickener other than components that are specifically defined as being performance agent variants, as defined in the specification.

CONCLUSION

In light of the above amendments and remarks, applicants submit that all claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,


Alan A. Bornstein
Registration No. 40,919
Attorney for Applicant(s)

AAB/ss
(201) 894-2180